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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

SIX CONTINENTS, LLC, an Oregon Limited
Liability Corporation,

Plaintiff,

v.

SUNTRUST BANK, a foreign business
corporation,

Defendant.

Case No. _____

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C.
SECTIONS 1332 AND 1441(B)

(DIVERSITY JURISDICTION)**

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
OREGON**

AND TO: PLAINTIFF SIX CONTINENTS, LLC AND ITS COUNSEL OF RECORD

AND TO: ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE THAT Defendant SunTrust Bank (“SunTrust”) hereby
removes to the United States District Court for the District of Oregon (Portland Division) the
State Court Action described below.

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Page 1 - DEFENDANT’S NOTICE OF REMOVAL

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TROUTMAN SANDERS LLP
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PORTLAND, OR 97204
TELEPHONE: 503.290.2400

NOTICE OF REMOVAL

Defendant SunTrust, by its counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this action from the Circuit Court in the County of Multnomah, Oregon to the United States District Court for the District of Oregon, Portland Division. Removal is proper because this Court has subject matter jurisdiction over the action under diversity jurisdiction. *See* 28 U.S.C. § 1332. Accordingly, SunTrust removes this action to this Court, and in support of its Notice of Removal, states the following:

I. BACKGROUND

1. On or about December 11, 2018, Plaintiff Six Continents, LLC (“Plaintiff”) filed a Complaint (the “Complaint”) against SunTrust in the Multnomah County Circuit Court (“Circuit Court”), styled *Six Continents, LLC v. SunTrust Bank*, and assigned the case number 18CV56408.

2. A copy of all process, pleadings, and orders served upon SunTrust is attached as **Exhibit A** to the Declaration of Emily A. Reber (“Decl. of Reber”) filed concurrently hereto.

3. SunTrust was served with the Complaint on December 12, 2018.

4. This Notice of Removal is being filed within thirty days of the service of the Complaint on SunTrust, and is, therefore, timely under 28 U.S.C. § 1446(b).

II. DIVERSITY JURISDICTION

5. Removal of this action is proper under 28 U.S.C. §§ 1332(a) and 1441(b) because (1) there is complete diversity between Plaintiff and SunTrust; (2) the amount in controversy exceeds \$75,000.00 as the value of equitable relief requested and compensatory damages is well above that amount; and (3) SunTrust is not a citizen of the state in which the action was brought.

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6. By removing the state court action to this Court, SunTrust does not waive any defenses, objections, or motions available to it under the applicable law.

A. There is Complete Diversity between Relevant Parties.

7. The Parties are completely diverse. They are citizens of different states.

8. Plaintiff is an Oregon limited liability company with its principal place of business in Oregon. (Compl. ¶ 1). An LLC's citizenship is determined by the citizenship of its members. The member of Plaintiff company is John Dryden, who is domiciled in Portland, Oregon. (A copy of Plaintiff's Articles of Organization and 2018 Amended Annual Report, is attached as Exhibit B to the Decl. of Reber filed concurrently hereto.) Thus, Plaintiff is a citizen of Oregon.

9. SunTrust Bank is a Georgia state-chartered bank with its headquarters located in Atlanta, Georgia. Thus, SunTrust Bank is a citizen of the State of Georgia.

10. Accordingly, complete diversity exists between Plaintiff and SunTrust. Complete diversity existed at the time the Complaint was filed and continued to exist at the time of removal.

B. The Amount in Controversy Is Greater Than \$75,000.

11. Diversity jurisdiction requires an amount in controversy of greater than \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. §1332(a).

12. Plaintiff asks the Court to award it the sum of \$109,400.27, plus interest, costs for a refusal by SunTrust to return funds that were the subject of two wire transactions. (Compl. ¶ WHEREFORE).

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13. Accordingly, because complete diversity exists and the amount in controversy requirement is satisfied, the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 and removal is proper.

III. VENUE

14. Venue is proper in this Court because this district and division embrace the Multnomah Circuit Court, the forum from which this case has been removed. *See* 28 U.S.C. § 1441(a).

IV. NOTICE

15. Concurrent with the filing of this Notice of Removal, SunTrust will file a Notice of Filing of Notice of Removal with the Clerk of the Multnomah Circuit Court and will attach a copy of this Notice of Removal thereto. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit C to the Decl. of Reber filed concurrently hereto.

16. If any questions arise as to the propriety of the removal of this action, SunTrust requests the opportunity to present a brief and oral argument in support of its position that this case is removable.

17. SunTrust reserves any and all rights to assert any and all defenses to Plaintiff's Complaint and to amend or supplement this Notice of Removal as necessary.

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WHEREFORE, Defendant SunTrust Bank, by counsel, hereby removes this action from the Circuit Court for Multnomah County, Oregon, to the United States District Court for the District of Oregon (Portland Division) for all further proceedings and seeks all other relief as this Court deems equitable and just.

Dated: January 9, 2019

TROUTMAN SANDERS LLP

By: /s/ Román D. Hernández

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Attorneys for Defendant
SunTrust Bank

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January 2019, I caused to be served a copy of the foregoing DEFENDANT’S NOTICE OF REMOVAL upon the following parties via US Mail, Email, and the court’s CM/ECF system (if registered) to:

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Karak Davidson Duyck, Esq.
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Counsel for Plaintiff

Dated: January 9, 2019

TROUTMAN SANDERS LLP

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